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## Chapter 21.28 –Overlay Coastal Zoning Districts (MHP, PM, B, and C)

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### 21.28.010 – Purposes of Overlay Coastal Zoning Districts

The purposes of the individual overlay coastal zoning districts and the manner in which they are applied are outlined below. An overlay district may be initiated as a Coastal Zoning Map amendment in compliance with Chapter 21.66 (Amendments). All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying coastal zoning district in addition to the standards provided in this chapter, if any. In situations where an inconsistency occurs between the development standards of the underlying coastal zoning district and the standards in this chapter the most restrictive standard shall prevail.

- A. **MHP (Mobile Home Park) Overlay Coastal Zoning District.** The MHP Overlay Coastal Zoning District is intended to establish a mobile home district on parcels of land developed with mobile home parks. The regulations of this district are designed to maintain and protect mobile home parks in a stable environment with a desirable residential character.
- B. **Bluff (B) Overlay Coastal Zoning District.** The B Overlay District is intended to establish special development standards for areas of the City where projects are proposed on identified bluff areas. The specific areas are identified in Part 8 of this Implementation Plan (Maps).
- C. **Canyon (C) Overlay Coastal Zoning District.** The C Overlay District is intended to establish development setbacks based on the predominant line of existing development for areas that contain a segment of the canyon edge of Buck Gully or Morning Canyon. The specific areas are identified in Part 8 of this Implementation Plan (Maps).
- D. **Height (H) Overlay District.** The H Overlay District is intended to establish standards for review of increased building height in conjunction with the provision of enhanced project design features and amenities.

### 21.28.020 Mobile Home Park (MHP) Overlay Coastal Zoning District.

- A. **Uses Allowed.** Uses allowed in the MHP Overlay Coastal Zoning District include only those uses listed below. When an MHP Overlay Coastal Zoning District is applied to an

area, all uses previously allowed in the underlying Coastal Zoning district are no longer allowed.

1. **Mobile Home Parks.** Mobile home parks as regulated by the State of California.
2. **Accessory Structures and Uses.** Accessory structures and uses incidental to the operation of mobile home parks (e.g., recreation facilities and/or community centers of a noncommercial nature, either public or private, storage facilities for the use of the mobile home park residents, and any other structures or uses that are incidental to the operation of a mobile home park).

B. **Removal of the Mobile Home Park Overlay District.** The Council shall not approve a Coastal Zoning Map amendment that would remove the MHP designation from a property, unless all of the following findings have first been made:

1. The proposed Coastal Zoning is consistent with the Coastal Land Use Plan, and in the event the proposed Coastal Zoning is Planned Community, the PC Development Plan has been submitted and is consistent with the Coastal Land Use Plan;
2. The property which is the subject of the Coastal Zoning Map amendment would be more appropriately developed in compliance with the uses allowed by the underlying base coastal zoning, or proposed Coastal Zoning, and if the underlying base coastal zoning or proposed Coastal Zoning is Planned Community, that a PC Development Plan has been submitted and the property would be more appropriately developed with the uses specified in that development plan; and
3. A mobile home park phase out plan and report on the impact of conversion, closure, or cessation of the use on the displaced residents of the mobile home park has been prepared, reviewed, and found to be acceptable and consistent with the provisions of the California Government Code.
  - a. A phase out plan shall not be found to be acceptable unless it includes all of the following:
    - i. A time schedule and method by which existing mobile homes, cabanas, ramadas, and other substantial improvements and tenants are to be relocated or appropriately compensated;
    - ii. Methods of mitigating the housing impacts on tenants having low and moderate incomes, elderly tenants, and tenants who are handicapped; and
    - iii. The programs or other means that are to be implemented properly address the housing impacts on those described in subsection (B)(3)(a)(ii) of this section are mitigated.
  - b. For purposes of this finding, “low and moderate incomes” shall be defined in compliance with the provisions of the City’s Housing Element.

### 21.28.030 – Parking Management (PM) Overlay District

- A. **Parking Management District Plan Required.** Before approving an amendment reclassifying land to a PM Overlay District, the Commission and Council shall approve a parking management district plan.
- B. **Establishment of Parking Management Program(s).** The parking management district plan shall identify existing and planned parking facilities and establish parking management programs necessary to adequately serve the parking needs of the area and provide for the following issues:
  - 1. The provision of adequate, convenient parking for residents, guests, business patrons, and visitors of the Coastal Zone;
  - 2. Optimizing the use of existing parking spaces;
  - 3. Providing for existing and future land uses;
  - 4. Reducing traffic congestion;
  - 5. Limiting adverse parking impacts on user groups;
  - 6. Providing improved parking information and signage;
  - 7. Generating reasonable revenues to cover City costs;
  - 8. Accommodating public transit and alternative modes of transportation.
- C. **Exemptions.** The parking management district plan shall also include a formula or procedure establishing the extent to which properties shall be exempted from the requirements of Chapter 21.40 (Off-Street Parking).
- D. **Parking Management Overlay Districts Established.** The parking management districts identified in this section and depicted in the referenced maps exhibits adopted in Part 8 of this Implementation Plan.
  - 1. Balboa Village Parking Management Overlay District applies to all property located within Balboa Village between the Pacific Ocean, A Street, Newport Bay, and Adams Street and depicted in Parking Management Overlay Map PM-1.
    - a. **Purpose.** The purpose of the Balboa Village Parking Management Overlay District is to identify existing and planned parking facilities and establish parking programs to adequately serve the parking needs for Balboa Village. Additionally, the District establishes modified parking requirements for properties that differ from the basic requirements of Chapter 21.40 (Off-Street Parking).
    - b. **Existing Parking Facilities.** The City maintains six public parking lots within or near the District: 1) A Street lot, 2) B Street lot, 3) Washington Street lot, 4) Palm Street lot, 5) Balboa Metered lot, and 6) Balboa Pier lot. In addition, the City provides and maintains a small number of on-street

parking spaces along Balboa Boulevard, Palm Street, and Bay Avenue. The City intends to maintain public parking facilities; however, should the need arise, the City may modify, add, or remove parking spaces to ensure safe and efficient operations and meet parking demand.

- c. **Planned Parking Facilities.** Due to the high cost of land acquisition and construction and the underutilization of existing parking, additional off-street parking facilities are not necessary to meet the demand of existing uses. Parking demand shall be monitored and evaluated by the City to determine whether additional District parking is necessary, economical, appropriate, and desirable. The City may acquire or lease parking facilities to make them available to the public.
- d. **Required Off-Street Parking**
  - i. **Non-residential Uses.** No off-street parking shall be required for any new non-residential use or intensification of uses except the following uses as defined by the Implementation Plan: Assembly/Meeting Facilities, Commercial Recreation and Entertainment, Cultural Institutions, all Marine Services Uses, Schools, and Visitor Accommodations. Uses that require off-street parking shall provide said spaces in accordance with Chapters 21.40 (Off-Street Parking) and 21.38 (Nonconforming Uses and Structures).
  - ii. **Residential Uses.** Residential uses shall provide parking in accordance with Chapters 21.40 (Off-Street Parking) and 21.38 (Nonconforming Uses and Structures).
  - iii. Existing off-street parking spaces shall be preserved unless the elimination of spaces is authorized by the approval of a coastal development permit application by the Zoning Administrator.
  - iv. **Shared Parking for Non-residential Uses.** Notwithstanding the Implementation Plan requirement that off-street parking be reserved for the use it serves, the shared use of parking is allowed and encouraged. Shared parking shall be subject to the following requirements:
    - (A) **Required Off-street Parking.** When required, parking for non-residential uses may be satisfied by leasing nearby parking spaces at off-site locations within 1,250 feet of the parcel it serves. Development on multiple parcels with reciprocal access agreements is considered one site for parking purposes. If the spaces are required or otherwise leased to other uses, the hours of operation shall not significantly overlap. The distance between the parking facility and the use it serves shall be measured along public walkways from the closest portion of the parking facility to the main entrance of the use. The leasing of off-site parking to satisfy required parking shall be maintained in perpetuity

when the use requires it and may only be discontinued if the use is discontinued.

- (B) **Excess Parking.** Parking that is not necessary to satisfy off-street parking requirements may be leased to other uses or made available to the general public.
- (C) **Parking within Mixed-use Buildings.** Parking for different uses within a new, mixed-use building may be shared subject to the review and approval of a coastal development permit application.
- (D) The reduction of required parking associated with a shared parking arrangement shall be subject to the review and approval of the Director when in compliance with the following conditions:
  - (1) Shared parking spaces are within 1,250 feet as described in Section 21.28.030.D.5.d.1;
  - (2) There is no significant overlap in the hours of operation or peak parking demand of the uses sharing the parking;
  - (3) The use of the shared parking facility will not create traffic hazards or impacts to surrounding uses;
  - (4) The property owners involved in the shared parking facilities provide a binding agreement or other legal instrument assuring the joint use of the parking facilities subject to the satisfaction of the Director;
  - (5) The Director may require the preparation and implementation of a parking management program to address potential parking conflicts.
- (E) Section 21.40.110.A.2 (Joint Use of Parking Facilities) does not apply within the Balboa Village Parking Management Overlay District.

- v. **Private Parking Facilities Available to the General Public.** Non-residential, off-street parking facilities are encouraged to be made available to the general public, even if the parking facility is required for existing developments. Subject to City Council review and approval, the City may enter into an agreement with the property owner for the use and/or management of the parking facility. Allowing general public access to private off-street parking facilities shall not affect the property's conformance with its required off-street parking. The agreement should at a minimum address hours of availability for use by the general public, signage, maintenance, duration of agreement, and liability.

- e. **Suspension of In-lieu Parking.** Uses within the Balboa Village Parking Management Overlay District shall not be eligible for in-lieu parking pursuant to Section 21.40.130 (In-Lieu Parking Fee). The requirement that existing uses within the Balboa Village Parking Management Overlay District participate in the in-lieu parking permit program shall be discontinued as of the effective date of the District.
- f. **Voluntary Employee Parking.** The City will develop and implement a voluntary Balboa Village Employee Permit Program that will include reduced fees and designated parking locations for employee parking during specified hours.

#### **21.28.040 – Bluff (B) Overlay District**

- A. **Applicability.** This section applies to lots located in the Bluff (B) Overlay District as indicated on the Coastal Zoning Map. All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying coastal zoning district in addition to the standards provided in this section. In situations where an inconsistency occurs between the development standards of the underlying coastal zoning district and the standards in this section the most restrictive standard shall prevail.
- B. **Uses Allowed.** Land uses allowed in the B Overlay District are all those uses allowed in the underlying coastal zoning district.
- C. **Development Area Defined.** For the purpose of this section the development area of a lot is an area delineated for the purpose of regulating the placement and location of structures. Each lot within the B Overlay District shall be divided into two or more development areas. Development areas are delineated on the Development Area Maps attached to the ordinance codified in this Implementation Plan and are consistent with the development areas listed in subsection (D) of this section. The setbacks provided in Tables 21.18-2 and 21.18-3 in Section 21.18.030 (Residential Coastal Zoning Districts General Development Standards) are not used to determine development areas, but are only used to determine the maximum floor area limit for the lot, if applicable.
  - 1. **Development Area A — Principal and Accessory Structures.** Area A allows for the development and use of principal and accessory structures. Accessory structures allowed in Areas B and C are allowed in Area A.
  - 2. **Development Area B — Accessory Structures.** Area B allows for the development and use of accessory structures listed below. Principal structures are not allowed.
    - a. **Allowed Accessory Structures.** The following accessory structures are allowed in Area B:
      - i. Accessory structures allowed in Area C are allowed within Area B.
      - ii. Barbecues.
      - iii. Decks.
      - iv. Detached or attached patio covers (solid or lattice).

- v. Fences, walls, and retaining walls in compliance with Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls).
    - vi. Fireplaces and fire pits.
    - vii. Gazebos.
    - viii. Outdoor play equipment.
    - ix. Patios.
    - x. Platforms.
    - xi. Porches.
    - xii. Spas and hot tubs.
    - xiii. Swimming pools.
    - xiv. Terraces.
    - xv. Similar structures.
  - b. Development standards for accessory structures. The following development standards apply to Area B:
    - i. Covered accessory structures (e.g., trellis, gazebos, patio covers) shall not exceed twelve (12) feet in height from existing grade or finished grade or exceed four hundred (400) square feet in cumulative total area.
    - ii. Retaining walls shall comply with Section 21.30.040 (Fences, Hedges, Walls, and Retaining Walls).
3. **Development Area C—Limited Accessory Structures.** Area C allows for the development and use of limited accessory structures. The following accessory structures are allowed in Area C:
- a. Benches.
  - b. Drainage devices.
  - c. Guardrails and handrails required by building code.
  - d. Landscaping/irrigation systems.
  - e. On-grade trails.

- f. On-grade stairways.
- g. Property line fences and walls, not including retaining walls.
- h. Underground utilities.
- i. Similar structures.

D. **Location of Development Areas.** The development areas are listed below and depicted in the referenced map exhibits adopted in Part 8 of this Implementation Plan. The placement of structures and grading is limited by development areas as defined in this section and in subsection (C) of this section. The development areas for each parcel are polygons established by the property lines and the following development lines. (See Map Exhibits B-2 through B-8, attached to the ordinance codified in this Implementation Plan.) All contour lines refer to NAVD88 contours.

2. **Map 2—Irvine Terrace.**

- a. Dolphin Terrace.
  - i. Development Area A. Between the front property line adjacent to Dolphin Terrace and a ten (10) foot setback from the top of the existing bluff.
  - ii. Development Area B. Between the ten (10) foot setback from the top of the existing bluff and a line established at an elevation that is thirteen (13) feet below the average elevation of the top of the curb adjacent to the lot.
  - iii. Development Area C. All portions of the lot not located in Areas A and B.

3. **Map 3—Irvine Terrace.**

- a. Bayadere Terrace (1607).
  - i. Development Area A. The extent of the existing principal structure.
  - ii. Development Area B. Between the extent of the existing development and a development line established at an elevation that is thirteen (13) feet below the average elevation of the top of the curb adjacent to the lot.
  - iii. Development Area C. All portions of the lot not located in Areas A and B.
- b. Bayadere Terrace (1615-1638).



- i. Development Area A. Between the front property line adjacent to Bayadere Terrace and the forty-eight (48) foot contour line\*.
  - ii. Development Area B. Between the forty-eight (48) foot contour line\* and a development line established at an elevation that is thirteen (13) feet below the average elevation of the top of the curb adjacent to the lot.
  - iii. Development Area C. All portions of the lot not located in Areas A and B.
- c. Bayadere Terrace (1701-2201).
  - i. Development Area A. Between the front property line adjacent to Bayadere Terrace and the fifty (50) foot contour line\*.
  - ii. Development Area B. Between the fifty (50) foot contour line and a development line established at an elevation that is thirteen (13) feet below the average elevation of the top of the curb adjacent to the lot.
  - iii. Development Area C. All portions of the lot not located in Areas A and B.

**4. Map 4—Avocado Avenue/Pacific Drive.**

- a. Avocado Avenue.
  - i. Development Area A. Above the sixty-eight (68) foot contour line for 415 Avocado Avenue, above the fifty (50) foot contour line for 411 Avocado Avenue and the prolongation of such contour line along the shortest segment to the thirty-five (35) foot contour line<sup>2</sup> for 401 Avocado Avenue.
  - ii. Development Area C. Below the sixty-eight (68) foot contour line at 415 Avocado Avenue, fifty (50) foot contour line at 411 Avocado Avenue, and below the thirty-five (35) foot contour line\* along 401 Avocado Avenue.
- b. Pacific Drive (2235-2329).
  - i. Development Area A. Between the front property line adjacent to Pacific Drive and the fifty-three (53) foot contour line.\*
  - ii. Development Area C. All portions of the lot not located in Area A.

**5. Map 5—Carnation Avenue.**

- a. Carnation Avenue (201-233).

- i. Development Area A. Between the front property line adjacent to Carnation Avenue and the 50.7-foot contour line.\*
  - ii. Development Area C. All portions of the lot not located in Area A.
- b. Carnation Avenue (239-317).
  - i. Development Area A. As indicated by the specified distance (in feet) from the front property line adjacent to Carnation Avenue on the development area map.
  - ii. Development Area B. Between the Area A development line and the seventy (70) foot contour line.\*
  - iii. Development Area C. All portions of the lot not located in Area A or B.
  - iv. Additional Development Standards. If Area A overlaps Area B, the area of overlap shall be regulated as Area A.

**6. Map 6—Ocean Boulevard/Breakers Drive.**

- a. Breakers Drive (3100-3200).
  - i. Development Area A. Between the fifty-two (52) foot contour line\* and the property line adjacent to Breakers Drive.
  - ii. Development Area B. Between the forty-eight (48) foot contour line\* and the thirty-three (33) foot contour line.\*
  - iii. Development Area C. All portions of the lot not located in Area A or B.
  - iv. Additional Development Standards. Structure height may not exceed the fifty-two (52) foot contour line.\* No fences or walls allowed in Area C.
- b. Ocean Boulevard (3207-3309).
  - i. Development Area A. Between the forty-eight (48) foot contour line\* and the property line adjacent to Ocean Boulevard and between the thirty-three (33) foot contour line\* and the property line adjacent to Breakers Drive.
  - ii. Development Area C. Between the thirty-three (33) foot and forty-eight (48) foot contour lines.\*
  - iii. Additional Development Standards. Covered walkways connecting a conforming garage and principal structure are allowed in Area C.

- c. Ocean Boulevard (3317-3431).
  - i. Development Area A. Between the forty-eight (48) foot contour line\* and the property line adjacent to Ocean Boulevard.
  - ii. Development Area B. Between the forty-eight (48) foot contour line and the thirty-eight (38) foot contour line.\*
  - iii. Development Area C. All portions of the lot not located in Area A or B.
  - iv. Additional Development Standards. No fences or walls in Area C.
- d. Ocean Boulevard (3601-3729).
  - i. Development Area A. Between the property line adjacent to Ocean Boulevard and the seaward extent of the existing development area.
  - ii. Development Area C. All portions of the lot not located in Area A.
  - iii. Additional Development Standards. New development shall not extend further onto the bluff face beyond existing development.

**7. Map 7—Shorecliffs.**

- a. Shorecliff Road.
  - i. Development Area A. As indicated by the specified distance (in feet) from the front property line on the development area map.
  - ii. Development Area B. Between the seaward boundary of Area A and a line established by a ten (10) foot setback from the bluff edge (not all lots have an Area B).
  - iii. Development Area C. All portions of the lot not located in Area A or B.
  - iv. Additional Development Standards. If Area A overlaps Area B, the area of overlap shall be regulated as Area A. No fences or walls shall be allowed in Area C.

**8. Map 8—Cameo Shores.**

- a. Brighton Road.
  - i. Development Area A. As indicated by the specified distance (in feet) from the front property line on the development area map.

- ii. **Development Area B.** Between the seaward boundary of Area A and a line established by a ten (10) foot setback from the bluff edge (not all lots may have an Area B).
  - iii. **Development Area C.** All portions of the lot not located in Area A or B.
  - iv. **Additional Development Standards.** If Area A overlaps Area B, the area of overlap shall be regulated as Area A. No fences or walls shall be allowed in Area C.
- E. **Basements.** Basements are allowed in Area A and may be constructed at an elevation (NAVD88) below any specified contour elevation. Basements shall not daylight on the bluff or slope face beyond Area A.
- F. **Grading—All Development Areas.** Grading is limited to the minimum necessary for the construction and placement of allowed structures.
- G. **Swimming Pools.** Swimming pools shall be of double wall construction with subdrains between the walls and leak detection devices or an equivalent method.
- H. **Landscaping and Irrigation.** See Sections 21.30.030 (C)(2), 21.30.075 (Landscaping), and 21.30.085 (Water Efficient Landscaping).
- I. **Coastal Hazards and Geologic Stability Reports.** Coastal hazards and geologic stability reports shall be provided pursuant to Section 21.30.015 (C) (Development in Hazardous Areas).
- J. **Erosion Control Plan.** An erosion control plan shall be required pursuant to Section 21.30.015 (C) (7) (Erosion Control Plan).
- K. **Natural Landform and Shoreline Protection.** See Section 21.30.030 (Natural Landform and Shoreline Protection).
- L. **Scenic and Visual Quality Protection.** See Section 21.30.100 (Scenic and Visual Quality Protection).
- M. **Encroachments.**
  - 1. **Above Grade Encroachments.** Balconies, bay windows, eaves, architectural features, and shading devices attached to principal or accessory structures may encroach from Area A into Area B without limitation, provided they do not require ground support. Balconies, bay windows, eaves, architectural features, and shading devices attached to principal or accessory structures may encroach from Area A or Area B into Area C, provided they do not require ground support and encroach no farther than five feet into Area C and comply with any required minimum setbacks.
  - 2. **Subterranean Structural Encroachments.** Foundations, basement walls,

structural supports, and shoring for principal structures may encroach a maximum of twenty-four (24) inches into an adjacent development area (B or C).

N. **Nonconforming Structures.** Principal and accessory structures that do not conform to the development standards of this chapter shall comply with Section 21.38.040 (Nonconforming Structures) of this Zoning Code.

O. **Adjustment of Development Area Boundary.**

1. **Reduced Development Area(s).** A bluff development area shall be reduced whenever necessary to:
  - a. Ensure safety and stability against slope failure (i.e., landsliding) for the economic life of a development. At a minimum, the development area shall be adjusted to ensure a slope stability factor greater than or equal to 1.5 at the end of the economic life of the development for the static condition of the bluff or a factor of safety greater than or equal to 1.1 for the seismic condition of the bluff, whichever is further landward; and
  - b. Ensure that the principal structures are safe from hazards due to erosional factors for the economic life of the building.
2. **Increased Development Area(s).** A development area's boundaries may be adjusted through the approval of a coastal development permit in compliance with Chapter 21.52 (Coastal Development Review Procedures) to allow structures and grading not otherwise allowed. In addition to the coastal development permit findings, all of the following findings shall also be made:
  - a. The increased bluff development area will ensure a slope stability factor of safety greater than or equal to 1.5 at the end of the economic life of the development for the static condition of the bluff or a factor of safety greater than or equal to 1.1 for the seismic condition of the bluff or canyon, whichever is farther landward;
  - b. The increased bluff development area will provide adequate protection from erosion factors for the economic life of the development;
  - c. The increased bluff development area will be compatible and consistent with surrounding development; and
  - d. The increased bluff development area will not have an impact on public views or sensitive habitat areas, and is not otherwise detrimental to the general public health and welfare.

#### **21.28.050 – Canyon (C) Overlay District**

A. **Applicability.** This section applies to lots located in the Canyon (C) Overlay District as indicated on the Coastal Zoning Map. All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying coastal zoning district in

addition to the standards provided in this section. In situations where an inconsistency occurs between the development standards of the underlying coastal zoning district and the standards in this section the most restrictive standard shall prevail.

- B. **Uses Allowed.** Land uses allowed in the C Overlay District are all those uses allowed in the underlying coastal zoning district.
- C. **Development Stringline Setback.** Development within the C Overlay District shall not extend beyond the predominant line of existing development on canyon faces by establishing a development stringline where a line is drawn between nearest adjacent corners of existing principal and accessory structures on either side of the subject property.
  - 1. **Adjustments to the Development Stringline.** The review authority may adjust the development stringline under the following circumstances:
    - a. To ensure a slope stability factor of safety greater than or equal to 1.5 at the end of the economic life of the development for the static condition of the canyon or a factor of safety greater than or equal to 1.1 for the seismic condition of the canyon, whichever is farther upward from the canyon base;
    - b. To provide adequate protection from erosional factors for the economic life of the development;
    - c. To provide an adequate open space protective buffer to sensitive habitat areas.
  - 2. **Approved Future Development.** The review authority may permit the stringline setback lines to be drawn from approved, yet undeveloped, buildings and structures authorized by a coastal development permit.
- D. **Existing Structures.** Existing principal and accessory structures that extend beyond the development stringline setback may be modified or replaced with like principal and accessory structures pursuant to Section 21.38.040 (H) (Nonconformity with Coastal Resource Protection Regulations).
- F. **Floor Area Limit Calculation.** The development stringline setback shall be used only to establish the development area on the canyon face and shall not be used to determine the maximum floor area limit for the lot.
- G. **Swimming Pools.** Swimming pools shall be of double wall construction with subdrains between the walls and leak detection devices or an equivalent method.
- H. **Landscaping and Irrigation.** See Sections 21.30.030 (C)(2), 21.30.075 (Landscaping), and 21.30.085 (Water Efficient Landscaping).
- I. **Coastal Hazards and Geologic Stability Reports.** Coastal hazards and geologic stability reports shall be provided pursuant to Section 21.30.015 (C) (Development in Hazardous Areas).

- J. **Erosion Control Plan.** An erosion control plan shall be required pursuant to Section 21.30.015 (C) (7) (Erosion Control Plan).
- K. **Natural Landform and Shoreline Protection.** See Section 21.30.030 (Natural Landform and Shoreline Protection).
- L. **Scenic and Visual Quality Protection.** See Section 21.30.100 (Scenic and Visual Quality Protection).

#### **21.28.060 – Height (H) Overlay District**

- A. **Applicability.** The Height Overlay District includes properties located in the Multiple Residential (RM) Zoning District within Statistical Area A2.
- B. **Discretionary Review.** A request for an increase in building height under the provisions of the Height (H) Overlay District requires discretionary review through a coastal development permit.
- C. **Eligibility.** Properties eligible for the Height (H) Overlay District must have a minimum lot size of one acre.
- D. **Maximum Height.** The maximum height limit is forty (40) feet for a flat roof and forty-five (45) feet for a sloped roof. The development shall be three stories maximum.
- E. **Required Findings.** The review authority may approve a coastal development permit to allow a project in compliance with this section only after finding all of the following in addition to the findings required for the coastal development permit application in Section 21.52.015 (F) and the findings required by Section 20.30.060(C)(3):
  - 1. The proposed project provides increased building setbacks from public streets and property lines above code requirements;
  - 2. The proposed project provides project enhancements and on-site recreational amenities for the residents above code requirements; and
  - 3. The proposed project provides quality architecture and quality materials.
- F. **Standards.** The following standards should be considered for compliance with subsection (E)(3) of this section:
  - 1. Enhanced treatment of building elevations facing public streets with respect to architectural treatment to achieve a high level of design and neighborhood quality (e.g., high quality doors, windows, moldings, metalwork, finishes, stoops, porches, etc.).
  - 2. Building materials and colors should be selected that will complement the proposed design and existing buildings in the surrounding area.
  - 3. Building materials should be high quality, durable, authentic to the architectural style, and applied in a quality fashion.

4. If stucco is used it should have a smooth finish. Sand and lace stucco finishes should be avoided.
5. Lighting should be selected to provide ambiance, safety, and security, without unnecessary spillover or glare.
6. Building owners and tenants should keep the building exteriors and facades clean and in good repair.

G. **Subdivisions.** Projects that include a subdivision shall adhere to the following criteria in order to ensure the provision of enhanced project design features:

1. **Overall Lot Setbacks.** The Multiple Residential (RM) Zoning District setback requirements are applicable to the overall development lot.
2. **Primary Structure Front Setback.** The minimum setback for primary structures is twenty-five (25) feet from any front property line abutting a public street.
3. **Street Enhancements.** A landscaped area is required within the first fifteen (15) feet of the front setback, and shall include trees, shrubs, and ground cover. Fences, walls, or hedges are allowed beyond the fifteen (15) foot front landscape setback.
4. **Side Landscape Setback.** A minimum five-foot landscape setback is required from any side property line abutting a public street, and shall include trees, shrubs, and ground cover. Fences, walls, or hedges are allowed beyond the five-foot setback.
5. **Public Sidewalks.** Sidewalks are required to be a minimum width of eight feet. A meandering sidewalk design is preferred for lots greater than three hundred (300) feet in width and must be designed to be compatible with abutting properties.
6. **Common Open Space.** A minimum of one hundred (100) square feet of common open space per unit is required, not including pathways, and must be dedicated to recreational amenities.
7. **Recreational Amenities.** Recreational amenities are required and may include a recreation building, seating areas, barbecue/grill, fire pit/fireplace, swimming pool/spa, bicycle racks/storage, activity area (such as playing field/lawn, sport court, horseshoe pit, playground, etc.), or similar amenities.
8. **Additional Guest Parking.** Where limited off-site, on-street parking is available, guest parking is required above the code requirement and must be distributed throughout the site.